

DETAILED ACTION

1. Claims 34, 36-44, 49, 51-59, 64 and 66-74 are pending, claims 1-33 were withdrawn. Claims 1-33, 35, 45-48, 50, 60-63, 65, and 75-78 are currently cancelled.

Response to Amendments/Argument

2. The objection to claim 46 is withdrawn in view of cancelled claim.
3. In response to the 112 indefinite rejection to claims 34 and 49 line 3 is amended to “a hardware token” However raised a new indefinite rejection since it lacks antecedent basis again. The claims recite “a hardware token” on line 1 and the amended "a hardware token" should refer to “a hardware token” on line 1 and should be changed to "the hardware token" if applicant is addressing the same hardware token as line 1. If not appropriate correction is required.
4. The 112 2nd indefinite rejection not disclosed in the current office action but the previous office action are withdrawn in view of applicant's amendments. The applicant’s argument traversing with regards to the remaining claims as currently presented is not persuasive since they are indefinite and scope is not clear.
5. Regarding applicant’s argument the examiner may be confounding the value V with the value C that are not same for claims 37, 52 and 67 that lacks antecedent basis wherein “a non-varying server specific value V”, argument is not persuasive because as rejected in the previous office action page 4 paragraphs 10, Claims 37, 52 and 67 on line 2 recite "a non-varying server

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specific value V". Claims 36, 51, and 66 disclose "a non-varying server specific value V" on lines 2" and it is not clear if the applicant is trying to refer to the one on line 2 of claims 36, 51, and 66.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 49, and 51-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The various "means for" or means-plus-function **do not have a corresponding algorithm structure** explicitly or implicitly described either in the claim functions or the disclosure.

For a computer-implemented means-plus-function claim limitation that invokes 35 U.S.C. 112, sixth paragraph, the corresponding structure is required to be more than simply a general purpose computer or microprocessor.⁸ The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer or microprocessor.⁷ The written description of the specification must at least disclose the algorithm that transforms the general purpose microprocessor to a special purpose computer programmed to perform the disclosed algorithm that performs the claimed function.⁸ Applicant may express the algorithm in any understandable terms including as a mathematical formula, in prose, in a flow chart, or in any other manner that provides sufficient structure.⁹ See MPEP 2181 for examples where the courts held that the corresponding structure is adequate for the computer-implemented means-plus-function claim limitations.¹⁰ A rejection under 35 U.S.C. 112, second paragraph, is appropriate if the written description of the specification discloses no corresponding algorithm.¹¹ For example, merely referencing to a general purpose computer with appropriate programming without providing any detailed explanation of the appropriate programming¹², or simply reciting software without providing some detail about the means to accomplish the function¹³, would not be an adequate disclosure of the corresponding structure to satisfy the requirements of 35 U.S.C. 112, second paragraph, even when one of ordinary skill in the art is capable of writing the software to convert a general purpose computer to a special purpose computer to perform the claimed function.

See MPEP 2181 and the following CAFC court cases *Finisar Corp v. The Directv Group INC* and 523 F.3d 1323 and *Aristocrat* 521 F.3d 1338 for further information.

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The examiner notes to the applicant:

The rejection can be overcome by executing one of the following options:

- 1) Pointing out to the examiner, the structure and algorithm for invoking the means plus function rule from the specification.
- 2) Strike the means plus function claim language from the claim.
- 3) Cancel the claim.

8. The following claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claims 34 and 49 recites the limitation “a hardware token” on line 3. There is insufficient antecedent basis for this limitation in the claims.

10. Claims 34 and 49 on lines 5 and 10 recite “the token” and lacks antecedent basis; or not amended by the applicant in the response. Claims 38, 44, 53, 59, 64, 68, and 74 are also rejected based on the same rational.

11. Claims 37, 52 and 67 are rejected to: in line 2 wherein “a non-varying server specific value C” lacks antecedent basis or perhaps should be changed to “said non-varying server specific value C”. Not corrected/amended in the applicant’s response.

Allowable Subject Matter

12. Claims **34, 36-44, 49, 51-59, 64 and 66-74** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

13. As allowable subject matter has been indicated for claims, **applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with.** See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENI A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Eleni A Shiferaw/

Primary Examiner, Art Unit 2436